

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	:	Chapter 11
	:	
SERTA SIMMONS BEDDING, LLC, et al.	:	Case No. 23-90020 (DRJ)
	:	
	:	(Jointly Administered)

SERTA SIMMONS BEDDING, LLC, INVESCO SENIOR SECURED MANAGEMENT, INC., CREDIT SUISSE ASSET MANAGEMENT, LLC, and BARINGS LLC,	:	Adversary Proc. No. 23-09001 (DRJ)
	:	
<i>Plaintiffs and Counterclaim-Defendants,</i>	:	
	:	
- against -	:	
	:	
AG CENTRE STREET PARTNERSHIP L.P., AG CREDIT SOLUTIONS NON-ECI MASTER FUND, L.P., AG SF MASTER (L), L.P., AG SUPER FUND MASTER, L.P., SILVER OAK CAPITAL, L.L.C., ASCRIBE III INVESTMENTS, LLC, COLUMBIA CENT CLO 21 LIMITED, COLUMBIA CENT CLO 27 LIMITED, COLUMBIA FLOATING RATE INCOME FUND, A SERIES OF COLUMBIA FUNDS SERIES TRUST II, COLUMBIA STRATEGIC INCOME FUND, A SERIES OF COLUMBIA FUNDS SERIES TRUST I, CONTRARIAN CAPITAL FUND I, L.P., CONTRARIAN CENTRE STREET PARTNERSHIP, L.P., CONTRARIAN DISTRESSED DEBT FUND, L.P., GAMUT CAPITAL SSB, LLC, LCM XXII LTD., LCM XXIII LTD., LCM XXIV LTD., LCM XXV LTD., LCM 26 LTD., LCM 27 LTD., LCM 28 LTD., NORTH STAR DEBT HOLDINGS, L.P., SHACKLETON 2013- III CLO, LTD., SHACKLETON 2013-IV-R CLO, LTD., SHACKLETON 2014-V-R CLO, LTD., SHACKLETON 2015-VII-R CLO, LTD., SHACKLETON 2017-XI CLO, LTD., Z CAPITAL CREDIT PARTNERS CLO 2018-1 LTD., AND Z CAPITAL CREDIT PARTNERS CLO 2019-1 LTD.,	:	
<i>Defendants and Counterclaim-Plaintiffs.</i>	:	

**NOTICE OF FILING OF
THE LCM DEFENDANTS' PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW***

PLEASE TAKE NOTICE THAT the LCM Defendants hereby file their proposed Findings of Fact and Conclusions of Law (“Proposed Findings and Conclusions”) relating to the just-concluded trial in the above-captioned Adversary Proceeding, attached hereto as Exhibit 1. For the reasons set forth in Exhibit 1 hereto, as well as in the LCM Defendants’ Post-Trial Brief (filed simultaneously herewith), the LCM Defendants request that the Court make a report and recommendation to the District Court to find and determine that the Exchange Agreement violated the Agreement and New York’s implied covenant in accordance with the Proposed Findings and Conclusions.

* The LCM Defendants are LCM XXII Ltd., LCM XXIII Ltd., LCM XXIV Ltd., LCM XXV Ltd., LCM 26 Ltd., LCM 27 Ltd. and LCM 28 Ltd.

Dated: May 23, 2023
Houston, Texas

McKOOL SMITH, PC

/s/ John J. Sparacino

John J. Sparacino (SBN 18873700)
S. Margie Venus (SBN 20545900)
Regan S. Jones (SBN 24110060)
600 Travis Street, Suite 7000
Houston, Texas 77002
Telephone: (713) 485-7300
Facsimile (713) 485-7344
jsparacino@mckoolsmith.com
mvenus@mckoolsmith.com
rjones@mckoolsmith.com

-and-

Michael Shuster (admitted *pro hac vice*)
Vincent Levy (admitted *pro hac vice*)
Neil R. Lieberman (admitted *pro hac vice*)
Priyanka Timblo (admitted *pro hac vice*)
Brian T. Goldman (admitted *pro hac vice*)
Patrick J. Woods (admitted *pro hac vice*)
HOLWELL SHUSTER & GOLDBERG LLP
425 Lexington Avenue
New York, New York 10017
mshuster@hsgllp.com
vlevy@hsgllp.com
nlieberman@hsgllp.com
amiller@hsgllp.com
bgoldman@hsgllp.com
pwoods@hsgllp.com

Counsel for the LCM Defendants

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Notice was served by electronic delivery on all persons and entities receiving ECF notice in this adversary proceeding on May 23, 2023.

/s/ John J. Sparacino
John J. Sparacino